

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DESMOND WITHERSPOON,

Plaintiff,

v.

SOUND EXCHANGE,

Defendant.

Civil Action No. 14-5643 (SRC)

OPINION

CHESLER, District Judge

This matter comes before the Court on the application filed by Plaintiff Desmond Witherspoon (“Plaintiff” or “Witherspoon”) to proceed in forma pauperis without prepayment of fees, pursuant to 28 U.S.C. § 1915. Based on Plaintiff’s affidavit of indigence, the Court finds that Plaintiff qualifies for in forma pauperis status pursuant to 28 U.S.C. § 1915 and will direct that the Complaint be filed. However, for the reasons set forth below, the Complaint must be dismissed.

The Court has an independent obligation to satisfy itself of subject matter jurisdiction over an action. Liberty Mut. Ins. Co. v. Ward Trucking Corp., 48 F.3d 742, 750 (3d Cir. 1995). In keeping with that obligation, the Court has reviewed Witherspoon’s Complaint. Witherspoon has filed this action seeking a total of \$10,000 from Defendant Sound Exchange, claiming that a “claims representative gave false information over the phone to avoid providing services to me.” He states that his cause of action is “bias.” Based on this minimal information, the Court cannot determine that a federal cause of action has been stated, such that there is jurisdiction under 28 U.S.C. § 1331. Jurisdiction under 28 U.S.C. § 1332 is lacking, as the citizenship of the parties is not pled and there is an insufficient amount in controversy. Because the Court cannot satisfy

itself that it has subject matter jurisdiction over this action, it must dismiss the action pursuant to Federal Rule of Civil Procedure 12(h)(3).

An appropriate Order will be filed.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge

Dated: September 17, 2014